

REMARKS

Claim 24 was amended by adding the limitations of claims 29 and 30 to claim 24, and claim 35 was amended by adding the limitations of claims 40 and 41 to claim 35.

The Examiner argued that Barnard discloses a function of comparing a signal derived from an output of the optical amplifier (e.g., BER(2) in Fig. 3) with a reference signal dependent on the known value of the bandwidth of the modulation signal used to modulate the at least one optical signal (e.g., BER(2) fail in col. 7, lines 27 - 29).

It is clear, however, that claim 30 requires a reference signal dependent on the known value of the *bandwidth* of the modulation signal, whereas BER stands for "Bit Error Ratio" and is *the ratio between the number of erroneous bits counted at a site of interest over the total number of bits received*, as clearly defined by Barnard (col 2, lines 57 - 59). Clearly, these are two different things. Bit error rate is a measure of a quality of a link, and *not* a measure of bandwidth.

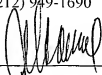
Therefore, even if a person skilled in the art would consider combining the teachings of Khaleghi and Barnard, the result of this combination would be different from the amended claims 24 and 35.

Wherefore, an early action on the merits is earnestly solicited.

Respectfully submitted,

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